

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEST BRANDS CONSUMER PRODUCTS, INC., et ano.,

Plaintiffs,

-against-

22-cv-7260 (LAK)

CA CITIZEN PROTECTION GROUP, LLC,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

The sole basis of subject matter jurisdiction alleged in the amended complaint is diversity of citizenship, an allegation that depends of the premise that the defendant is a California corporation with its principal place of business in that state. As the Court pointed out previously, “[t]he appellation LLC attached to [the defendant’s] name normally signifies limited liability company, not a corporation. And an internet check of defendant’s name on the relevant official web site of the California Secretary of State indicates that the defendant in fact is a limited liability company.” As a limited liability company is a citizen of every state of which any of its members is a citizen, and thus is not a corporation for diversity purposes, *e.g.*, *Handlesman v. Bedford Village Green Assocs. L.P.*, 213 F.3d 48, 52 (2d Cir. 2000), and as the amended complaint does not allege the identities or citizenship of any of the defendant’s members, the amended complaint does not allege facts sufficient to conclude that the plaintiffs and the defendants are of completely diverse citizenship. Moreover, plaintiffs previously had an opportunity to correct this yet failed to do so, instead repeating the incorrect assertion that the defendant is a corporation. Accordingly, the action is dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: September 8, 2022



Lewis A. Kaplan
United States District Judge